

REMARKS

In part 12 of the Office Action Summary, none of the boxes are checked. However, applicants filed a certified copy of the priority document on 5 February 2004, as indicated on the filing transmittal for this application. Therefore, applicants respectfully request acknowledgement of the claim for priority under section 119 and notice that the certified copy of the priority document has been received.

Applicants thank the Examiner for having returned an initialed copy of the PTO 1449 that was submitted on 5 February 2004.

Claims 1 – 15 are pending. Applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 6 and 9 – 15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0043748 to Gabara. The applicants respectfully request that this rejection be withdrawn for the following reasons.

A rejection under 35 U.S.C. 102(e) can be overcome by antedating the filing date of the reference by submitting an affidavit or declaration under 37 CFR 1.131. See MPEP 2136.05, Aug. 2001. Applicants have accordingly submitted a Declaration under 37 C.F.R. 1.131, including a copy of DENSO engineering records (hereinafter “Exhibit A”) in order to prove that the completion of the claimed present invention occurred prior to the filing date of Gabara, which is Sept. 6, 2001. Relevant portions of Exhibit A relating to the claimed subject matter of the present invention have been translated thereon, and the correspondence with Figs. 1 – 4 of the present application has also been indicated thereon.

Exhibit A indicates that the first report regarding the invention was made on October 25, 2000 (See pg. 2 of Exhibit A). Drawings corresponding to Figs. 1 – 4 of the present application

were reported on Dec. 13, 2000 (See pgs. 3 – 4 of Exhibit A). Further, Exhibit A shows the entire claimed subject matter of the present invention. The latest date reported in Exhibit A, still before the filing date of Gabara.

Accordingly, as Exhibit A shows that Applicants conceived of the present invention prior to the effective date of Gabara, Applicants assert that they have established prior invention of the claimed subject matter relative to that disclosed in Gabara in compliance with MPEP 715.07 (Aug. 2001). Therefore, it is respectfully requested that the rejection of claims 1 – 6 and 9 – 15 under 35 U.S.C. 102(e) be withdrawn.

Claims 7 – 8 were objected to for being dependent upon a rejected base claim. This objection should be withdrawn for the above-mentioned reasons with respect to claim 1.

In view of the foregoing, Applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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